

80-241-A 185 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

T) THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Lewis E. & Hazel H. Smith, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.0.1. to permit a side street setback of 20' instead of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Because of my father's death, it is necessary for my mother to make her home with us. We need the additional room to provide comfortable living space for this one additional adult in our home.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser Lewis E. Smith
Legal Owner
Address 6605 Kilmarnock Drive
Catonsville, Maryland 21228
Petitioner's Attorney Hazel H. Smith
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27th day of May, 1980, at 9:30 o'clock A. M.

William E. Hammond
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE/S of Kilmarnock Dr. and Dunvegan Rd., 1st District : OF BALTIMORE COUNTY
LEWIS E. SMITH, et ux, Petitioners : Case No. 80-241-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman John W. Hession, III
Peter Max Zimmerman, III People's Counsel for Baltimore County
Deputy People's Counsel Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of May, 1980, a copy of the foregoing Order was mailed to Mr. and Mrs. Lewis E. Smith, 6605 Kilmarnock Drive, Catonsville, Maryland 21228, Petitioners.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 1st day of April, 1980.

William E. Hammond
Zoning Commissioner

Petitioner Lewis E. Smith, et ux

Petitioner's Attorney Nicholas B. Commodari
Reviewed by Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

RE: Item No. 185
Petitioners-Lewis E. Smith, et ux
Variance Petition

Dear Mr. & Mrs. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

April 15, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #185 (1579-1980)
Property Owner: Lewis E. & Hazel H. Smith
S/ES Kilmarnock Dr. & Dunvegan Rd.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side street setback of 20' in lieu of the required 25'.
Acres: 0.151 District: 1st

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 185 (1979-1980).

Very truly yours,

Ellsworth N. Dwyer, P.E.
ELLSWORTH N. DWYER, P.E.
Chief, Bureau of Engineering

END:EAM:FW:iss

G-NW & H-NE Key Sheet
7 & 8 SW 20 & 21 Pos. Sheets
SW 2 E & P Topo
101 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

May 7, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #185, Zoning Advisory Committee Meeting, April 1, 1980, are as follows:

Property Owner: Lewis E. and Hazel H. Smith
Location: SE/S Kilmarnock Drive and Dunvegan Road
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit a side street setback of 20' in lieu of the required 25'.
Acres: 0.151
District: 1st

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problem with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley, P.E.
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC ENGINEERING
TOWSON, MARYLAND 21204
301-494-3550

STEPHEN E. COLLINS
DIRECTOR

May 6, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comment on Items No. 183, 185, 186, 187 and 189 with regard to the Zoning Advisory Committee Meeting of April 1, 1980.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

NSF/bza

ORDER RECEIVED FOR FILING

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of June, 1980, that the herein Petition for Variance to permit a side street setback of twenty feet in lieu of the required twenty-five feet, for the expressed purpose of designing and constructing an addition to increase the habitable area of the existing dwelling, in accordance with the site plan filed herein and dated March 12, 1980, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The original dwelling, including the proposed addition thereto, shall be limited to a one-family residence.
2. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

May 7, 1980

Mr. William E. Hammond
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #185, Zoning Advisory Committee Meeting of April 1, 1980, are as follows:

Property Owner: Lewis E. & Hazel R. Smith
Location: SE/S Kilmarnock Dr. & Dunvegan Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side street setback of 20' in lieu of the required 25'.
Acres: 0.151
District: 1st

Metropolitan water and sewer exist; therefore, no health hazards are anticipated.

Very truly yours,
Ian J. Parrest
Ian J. Parrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJE/fth

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: April 11, 1980
FROM: Ted Burnham
SUBJECT: Zoning Advisory Committee Meeting of April 1, 1980

ITEM #155 (Revised) No Comment - All dwellings existing
ITEM #183 Applicant shall obtain a permit - See comments
ITEM #184 See comments
ITEM #185 Standard comments
ITEM #186 See comments
ITEM #187 See comments
ITEM #188
ITEM #189 Standard comments

Ted Burnham, Chief
Plans Review

TEB:bj



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

April 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Lewis E. & Hazel R. Smith

Location: SE/S Kilmarnock Drive & Dunvegan Road

Item No: 185 Zoning Agenda: Meeting of April 1, 1980

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *E. J. ...* Noted and Approved: *George H. ...*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 27, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 1, 1980

RE: Item No: 184, 185, 186, 187, 189, 183
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

June 11, 1980

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

RE: Petition for Variance
SE/S of Kilmarnock Drive and Dunvegan Road - 1st Election District
Lewis E. Smith, et ux - Petitioners
NO. 80-241-A (Item No. 185)

Dear Mr. & Mrs. Smith:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

Beginning at a point on the southeast corner of Kilmarnock Drive and Dunvegan Road and known as lot 110, Plot 2 of "Dunmore" and recorded among the land records of Baltimore County in Plot Book 14 Folio 103, also known as 6605 Kilmarnock Drive.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
294-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 19, 1980

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

RE: Petition for Variance
SE/S Kilmarnock Dr. & Dunvegan Rd
Case No. 80-241-A

Dear Mr. & Mrs. Smith:

This is to advise you that \$37.24 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

NOTICE OF HEARING

RE: Petition for Variance - SE/S Kilmarnock Drive and Dunvegan Road
Case No. 80-241-A

TIME: 9:30 A.M.

DATE: Tuesday, May 27, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
Date: May 8, 1980
FROM: John D. Seyffert, Director
Office of Planning and Zoning
SUBJECT: Petition No. 80-241-A Item 185

Petition for Variance for side street setback
Southeast side of Kilmarnock Drive and Dunvegan Road
Petitioner- Lewis E. Smith, et ux

First District

HEARING: Tuesday, May 27, 1980 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

JDS:JGH:eb

[Signature]
John D. Seyffert, Director
Office of Planning and Zoning

PETITION FOR VARIANCE

1st District

ZONING: Petition for Variance for side street setback
LOCATION: Southeast side of Kilmarnock Drive and Dunvegan Road
DATE & TIME: Tuesday, May 27, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side street setback of 20 feet instead of the required 25 feet

The Zoning Regulation to be excepted as follows:

Section 1802.3.C.1 - Development Standards for Small Lots or Tracts

All that parcel of land in the First District of Baltimore County

Being the property of Lewis E. Smith, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, May 27, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>										
Previous case: <i>[Signature]</i>										
Revised Plans: Change in outline or description										
Map #										

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 18 day of May, 1980.

Filing Fee \$ 25 Received: ☒ Check

☐ Cash

☐ Other

185

[Signature]
William E. Hammond, Zoning Commissioner

Petitioner *[Signature]* Submitted by *[Signature]*

Petitioner's Attorney *[Signature]* Reviewed by *[Signature]*

This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

1-SIGN 80-241-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: MAY 9 1980
Posted for: PETITION FOR VARIANCE.
Petitioner: LEWIS E. SMITH, ET UX
Location of property: SE/S KILMARNOCK DRIVE AND DUNVEGAN ROAD
Location of Signs: FRONT 6605 KILMARNOCK DRIVE
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: MAY 16 1980

DUPLICATE CERTIFICATE OF PUBLICATION

TOWSON, MD, 1980
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, MD, once a week for successive weeks, the first publication appearing on the 18 day of May, 1980.
THE JEFFERSONIAN,
[Signature]
Cost of Advertisement, \$ 17.50
Being the property of Lewis E. Smith, et ux, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, May 27, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
By order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
May 8.



Office of
COLUMBIA
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

19

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE 1st DISTRICT

was inserted in the following:

☒ Catonsville Times
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland, once a week for ONE successive weeks before the 9th day of May, 1980, that is to say, the same was inserted in the issues of

5/8/80

COLUMBIA PUBLISHING CORP.

By *[Signature]*

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff:

VS.

Defendant:

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: May 26, 1980 ACCOUNT: 01-662

AMOUNT: \$37.21

RECEIVED FROM: Hazel E. Smith

FOR: Advertising and Posting for Case No. 80-241-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

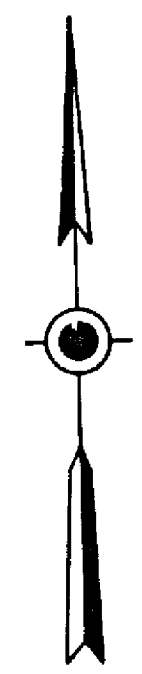
DATE: April 22, 1980 ACCOUNT: 01-662

AMOUNT: \$25.00

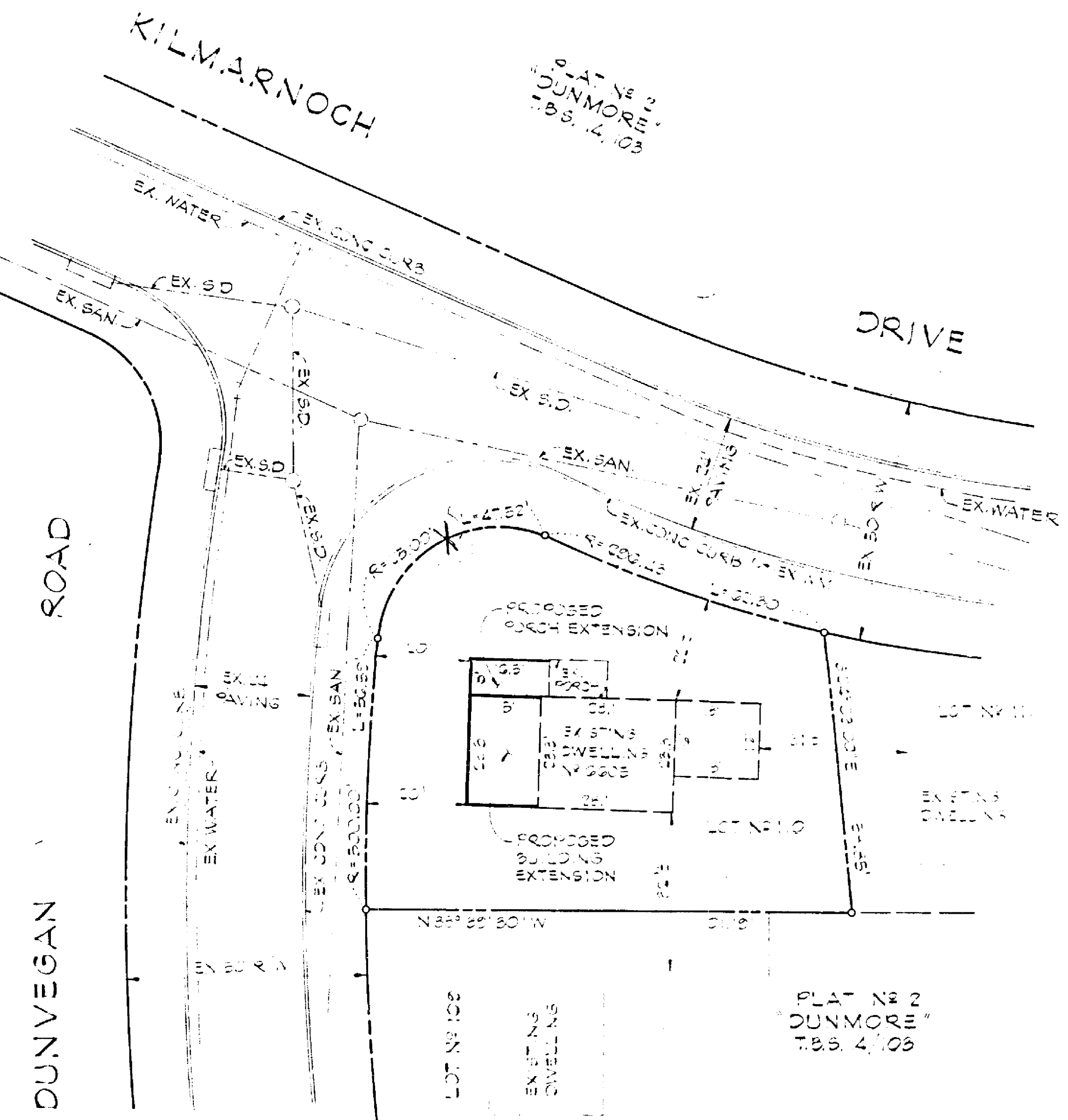
RECEIVED FROM: Lewis E. Smith

FOR: Filing Fee for Case No. 80-241-A

VALIDATION OR SIGNATURE OF CASHIER

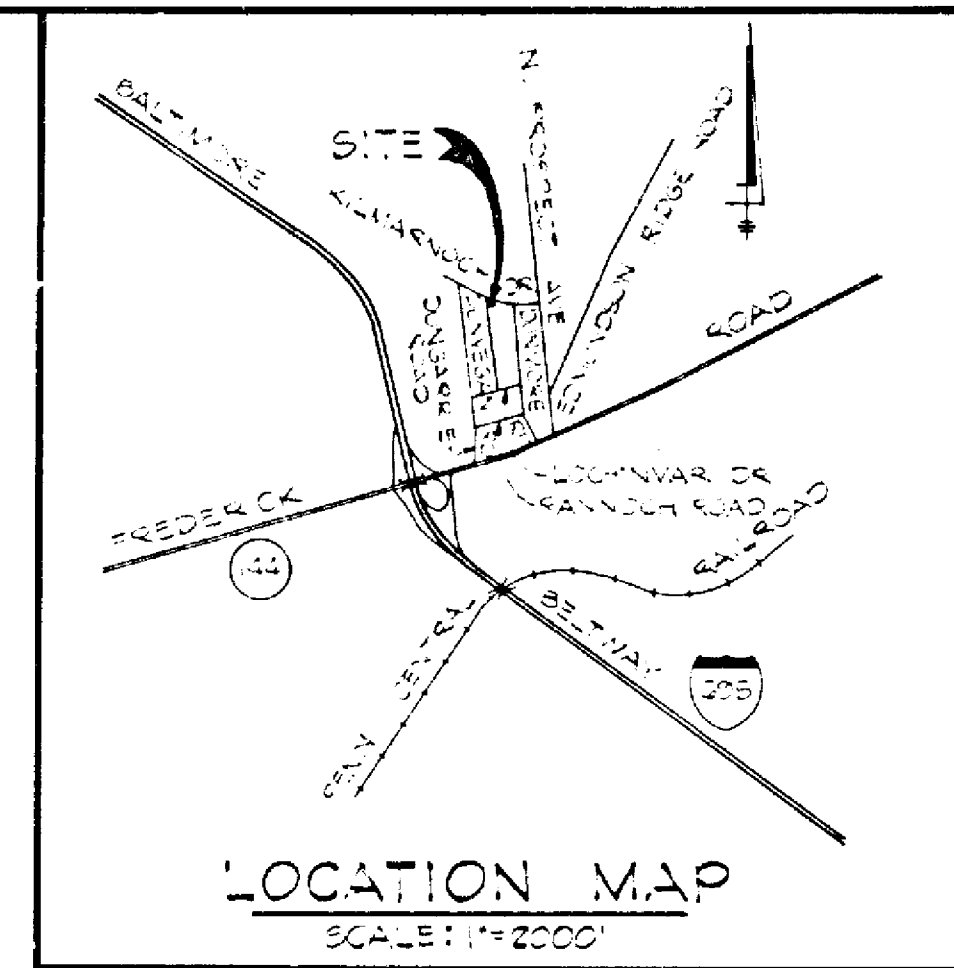


PLAT No 2
"DUNMORE"
T.B.S. 4, 103

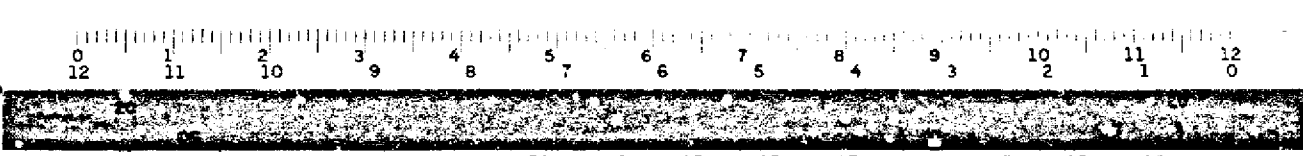
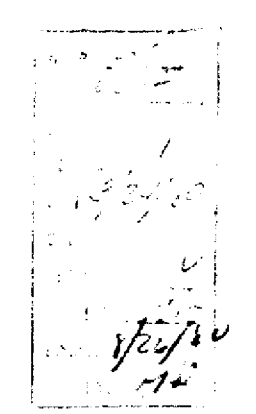


NOTES

1. EXISTING ZONING OR B.S.
2. PROPOSED EXTENSION LOCATED AT NORTH-WEST CORNER OF LOT No 110
3. AREA OF PROPERTY = 0.151 ACRES ±
4. BOUNDARY LINES AND ACREAGE HAVE BEEN DETERMINED BY DEED COMPILATION. FOR OWNERSHIP SEE DEED O.T.G. 3181 FOLIO 047
5. ALL UTILITIES SHOWN ON THIS PLAT ARE APPROXIMATE.



PLAT TO ACCOMPANY ZONING VARIANCE
PORCH AND BUILDING EXTENSION
SMITH'S RESIDENCE
1ST ELECTION DISTRICT BALTIMORE CO., MARYLAND
SCALE: 1" = 20'
MARCH 2, 1980



80-241-A 185 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

T) THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Lewis E. & Hazel H. Smith, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.6.1. to permit a side street setback of 20' instead of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Because of my father's death, it is necessary for my mother to make her home with us. We need the additional room to provide comfortable living space for this one additional adult in our home.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDER RECEIVED FOR FILING
DATE April 11, 1980

Contract purchaser	<u>Lewis E. Smith</u>
Legal Owner	<u>Hazel H. Smith</u>
Address	<u>6605 Kilmarnock Drive, Catonsville, Maryland 21228</u>
Petitioner's Attorney	
Protestant's Attorney	

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27th day of May, 1980, at 9:30 o'clock A. M.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE/S of Kilmarnock Dr. and Dunvegan Rd., 1st District : OF BALTIMORE COUNTY
LEWIS E. SMITH, et ux, Petitioners : Case No. 80-241-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman John W. Hession, III
Peter Max Zimmerman, III John W. Hession, III
Deputy People's Counsel People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of May, 1980, a copy of the foregoing Order was mailed to Mr. and Mrs. Lewis E. Smith, 6605 Kilmarnock Drive, Catonsville, Maryland 21228, Petitioners.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 1st day of April, 1980.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Lewis E. Smith, et ux

Petitioner's Attorney _____ Reviewed by Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

RE: Item No. 185
Petitioners-Lewis E. Smith, et ux
Variance Petition

Dear Mr. & Mrs. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

April 15, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #185 (1579-1980)
Property Owner: Lewis E. & Hazel H. Smith
S/ES Kilmarnock Dr. & Dunvegan Rd.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side street setback of 20' in lieu of the required 25'.
Acres: 0.151 District: 1st

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 185 (1979-1980).

Very truly yours,

Ellsworth N. Dwyer, P.E.
ELLSWORTH N. DWYER, P.E.
Chief, Bureau of Engineering

END:EAM:FW:iss

G-NW & H-NE Key Sheet
7 & 8 SW 20 & 21 Pos. Sheets
SW 2 E & P Topo
101 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

May 7, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #185, Zoning Advisory Committee Meeting, April 1, 1980, are as follows:

Property Owner: Lewis E. and Hazel H. Smith
Location: SE/S Kilmarnock Drive and Dunvegan Road
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit a side street setback of 20' in lieu of the required 25'.
Acres: 0.151
District: 1st

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problem with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley, P.E.
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC ENGINEERING
TOWSON, MARYLAND 21204
301-494-3550

STEPHEN E. COLLINS
DIRECTOR

May 6, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comment on Items No. 183, 185, 186, 187 and 189 with regard to the Zoning Advisory Committee Meeting of April 1, 1980.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

NSF/bza

ORDER RECEIVED FOR FILING

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of June, 1980, that the herein Petition for Variance to permit a side street setback of twenty feet in lieu of the required twenty-five feet, for the expressed purpose of designing and constructing an addition to increase the habitable area of the existing dwelling, in accordance with the site plan filed herein and dated March 12, 1980, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The original dwelling, including the proposed addition thereto, shall be limited to a one-family residence.
2. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

May 7, 1980

Mr. William E. Hammond
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #185, Zoning Advisory Committee Meeting of April 1, 1980, are as follows:

Property Owner: Lewis E. & Hazel R. Smith
Location: SE/S Kilmarnock Dr. & Dunvegan Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side street setback of 20' in lieu of the required 25'.
Acres: 0.151
District: 1st

Metropolitan water and sewer exist; therefore, no health hazards are anticipated.

Very truly yours,
Ian J. Parrest
Ian J. Parrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJE/fth

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: April 11, 1980
FROM: Ted Burnham
SUBJECT: Zoning Advisory Committee Meeting of April 1, 1980

ITEM #155 (Revised) No Comment - All dwellings existing
ITEM #183 Applicant shall obtain a permit - See comments
ITEM #184 See comments
ITEM #185 Standard comments
ITEM #186 See comments
ITEM #187 See comments
ITEM #188
ITEM #189 Standard comments

Ted Burnham, Chief
Plans Review

TEB:raj

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

April 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Lewis E. & Hazel R. Smith

Location: SE/S Kilmarnock Drive & Dunvegan Road

Item No: 185 Zoning Agenda: Meeting of April 1, 1980

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *E. J. ...* Noted and Approved: *George H. ...*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 27, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 1, 1980

RE: Item No: 184, 185, 186, 187, 189, 183
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
294-3353

June 11, 1980

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

RE: Petition for Variance
SE/S of Kilmarnock Drive and Dunvegan Road - 1st Election District
Lewis E. Smith, et ux - Petitioners
NO. 80-241-A (Item No. 185)

Dear Mr. & Mrs. Smith:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

Beginning at a point on the southeast corner of Kilmarnock Drive and Dunvegan Road and known as lot 110, Plot 2 of "Dunmore" and recorded among the land records of Baltimore County in Plot Book 14 Folio 103, also known as 6605 Kilmarnock Drive.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
294-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 19, 1980

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

RE: Petition for Variance
SE/S Kilmarnock Dr. & Dunvegan Rd
Case No. 80-241-A

Dear Mr. & Mrs. Smith:

This is to advise you that \$37.24 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

Mr. & Mrs. Lewis E. Smith
6605 Kilmarnock Drive
Catonsville, Maryland 21228

NOTICE OF HEARING

RE: Petition for Variance - SE/S Kilmarnock Drive and Dunvegan Road
Case No. 80-241-A

TIME: 9:30 A.M.

DATE: Tuesday, May 27, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
Date: May 8, 1980
FROM: John D. Seyffert, Director
Office of Planning and Zoning
SUBJECT: Petition No. 80-241-A Item 185

Petition for Variance for side street setback
Southeast side of Kilmarnock Drive and Dunvegan Road
Petitioner- Lewis E. Smith, et ux

First District

HEARING: Tuesday, May 27, 1980 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:eb

PETITION FOR VARIANCE

1st District

ZONING: Petition for Variance for side street setback
LOCATION: Southeast side of Kilmarnock Drive and Dunvegan Road
DATE & TIME: Tuesday, May 27, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side street setback of 20 feet instead of the required 25 feet

The Zoning Regulation to be excepted as follows:

Section 1802.3.C.1 - Development Standards for Small Lots or Tracts

All that parcel of land in the First District of Baltimore County

Being the property of Lewis E. Smith, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, May 27, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>										
Previous case: <i>[Signature]</i>										
Revised Plans: Change in outline or description										
Map #										

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 18 day of MAY, 1980

Filing Fee \$ 25

Received: Check

Cash

Other

185

[Signature]
William E. Hammond, Zoning Commissioner

Petitioner Smith Submitted by M. Smith

Petitioner's Attorney --- Reviewed by MBL

This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting MAY 9 1980
Posted for: PETITION FOR VARIANCE
Petitioner: LEWIS E. SMITH, ET UX
Location of property: SE/S KILMARNOCK DRIVE AND DUNVEGAN ROAD
Location of Signs: FRONT 6605 KILMARNOCK DRIVE
Remarks: Shirley E. Palmer
Posted by: Shirley E. Palmer Date of return: MAY 16 1980

DUPLICATE CERTIFICATE OF PUBLICATION

PETITION FOR VARIANCE 1st DISTRICT

ZONING: Petition for Variance for side street setback
LOCATION: Southeast side of Kilmarnock Drive and Dunvegan Road
DATE & TIME: Tuesday, May 27, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side street setback of 20 feet instead of the required 25 feet

The Zoning Regulation to be excepted as follows:

Section 1802.3.C.1 - Development Standards for Small Lots or Tracts

All that parcel of land in the First District of Baltimore County

Being the property of Lewis E. Smith, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, May 27, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

By order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
May 8.

TOWSON, MD., 1980

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, MD., once a week

for 1 successive weeks, the first publication appearing on the 18 day of MAY, 1980

on the 18 day of MAY, 1980

Cost of Advertisement, \$ 17.50

THE JEFFERSONIAN,

[Signature]

Cost of Advertisement, \$ 17.50

Office of
COLUMBIA
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

19

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE 1st DISTRICT

was inserted in the following:

☒ Catonsville Times
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland, once a week for ONE successive weeks before the 9th day of MAY, 1980, that is to say, the same was inserted in the issues of

5/8/80

COLUMBIA PUBLISHING CORP.

By *[Signature]*

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff:

VS.

Defendant:

CERTIFICATE OF PUBLICATION OF



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: MAY 26, 1980 ACCOUNT: 01-662

AMOUNT: \$37.21

RECEIVED FROM: Russell E. Smith

FOR: Advertising and Posting for Case No. 80-241-A

VALIDATION OR SIGNATURE OF CASHIER

372.40

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: April 22, 1980 ACCOUNT: 01-662

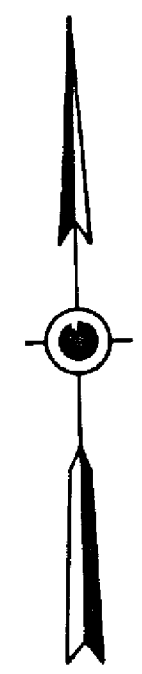
AMOUNT: \$25.00

RECEIVED FROM: Lewis E. Smith

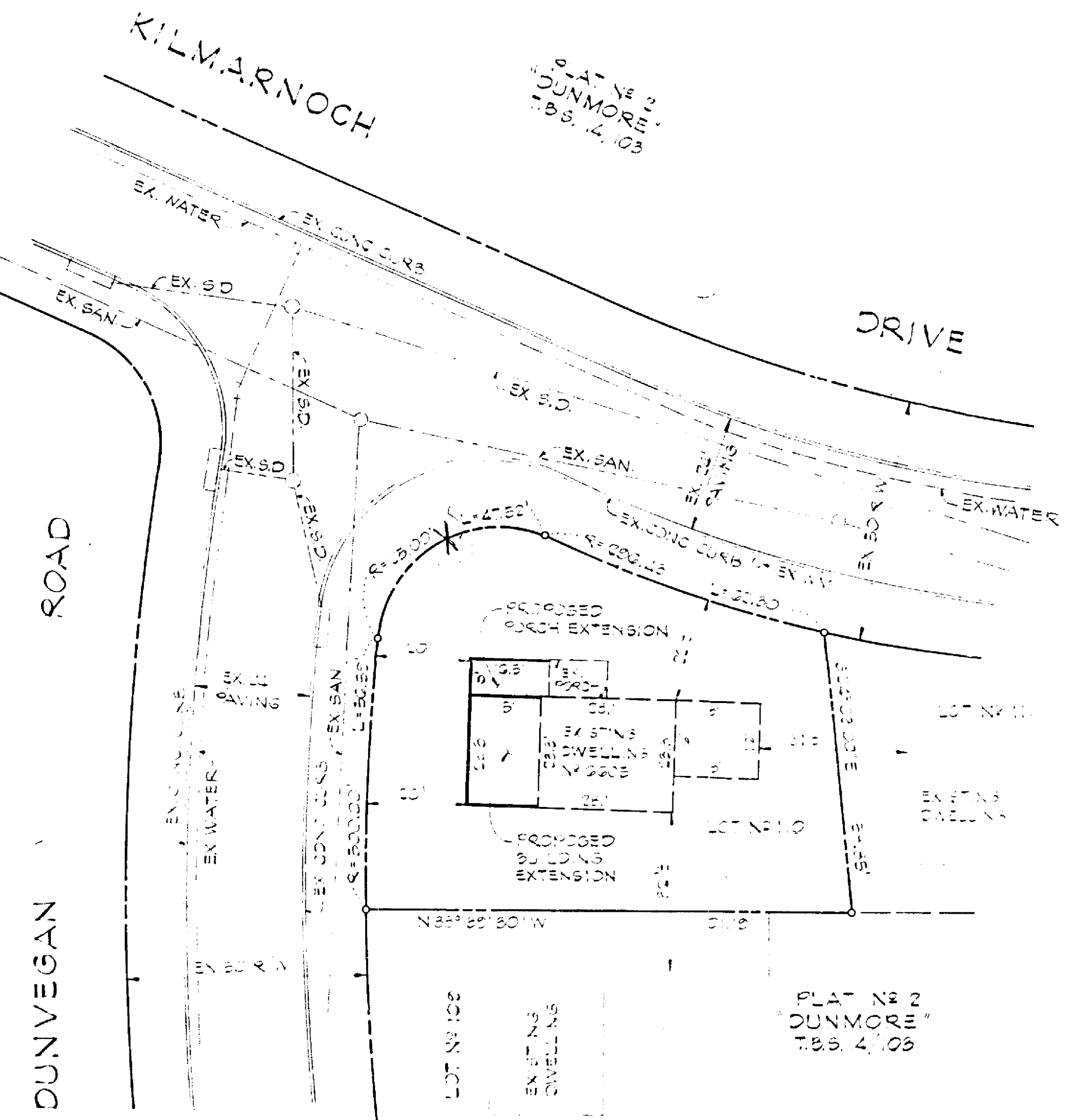
FOR: Filing Fee for Case No. 80-241-A

VALIDATION OR SIGNATURE OF CASHIER

250.00

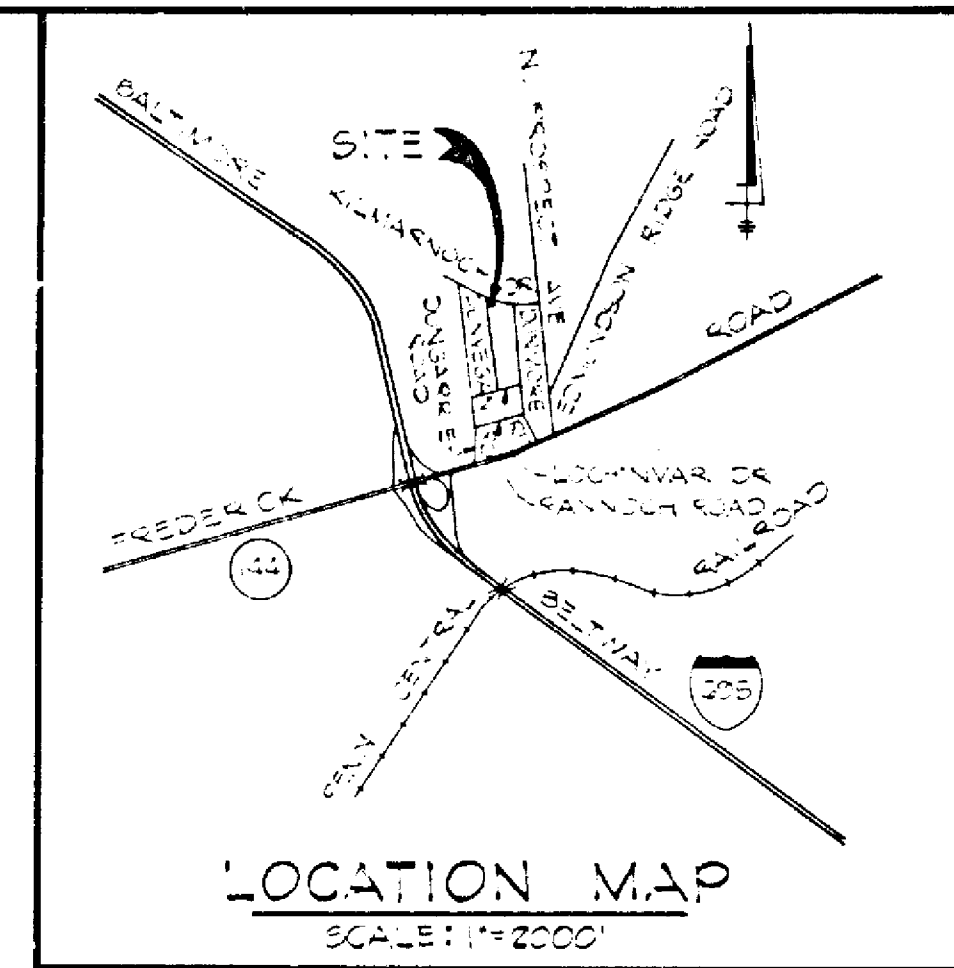


PLAT No 2
"DUNMORE"
T.B.S. 4, 103



NOTES

1. EXISTING ZONING OR B.S.
2. PROPOSED EXTENSION LOCATED AT NORTH-WEST CORNER OF LOT No 110
3. AREA OF PROPERTY = 0.151 ACRES ±
4. BOUNDARY LINES AND ACREAGE HAVE BEEN DETERMINED BY DEED COMPILATION. FOR OWNERSHIP SEE DEED O.T.G. 3181 FOLIO 047
5. ALL UTILITIES SHOWN ON THIS PLAT ARE APPROXIMATE.



PLAT TO ACCOMPANY ZONING VARIANCE
PORCH AND BUILDING EXTENSION
SMITH'S RESIDENCE
1ST ELECTION DISTRICT BALTIMORE CO., MARYLAND
SCALE: 1" = 20'
MARCH 2, 1980

